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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Examine
Electric Utility De-Energization of Power
Lines in Dangerous Conditions

Rulemaking 18-12-005

ASSIGNED COMMISSIONER'S PHASE 2 SCOPING MEMO AND RULING

This scoping memo and ruling sets forth the issues to be addressed and preliminary schedule for Phase 2 of Rulemaking 18-12-005 pursuant to Public Utilities (Pub. Util.) Code § 1701.1 and Article 7 of the Commission's Rules of Practice and Procedure. Unless stated otherwise in this scoping memo, all rulings in the March 8, 2019 Assigned Commissioner's Scoping Memo and Ruling (Phase 1) remain unchanged.

1. Procedural Background

On December 13, 2018, the Commission opened Rulemaking 18-12-005 to examine its rules allowing electric investor-owned utilities (IOUs) to de-energize power lines in case of dangerous conditions that threaten life or property in California. Following the receipt of comments on the Order Instituting Rulemaking (OIR),¹ the assigned Commissioner and Administrative Law Judge (ALJ) convened a prehearing conference on February 19, 2019 in Sacramento California. In the March 8, 2019 Assigned Commissioner's Scoping Memo and

¹ For a complete list of parties that submitted comments on the OIR, see the March 8, 2019 Assigned Commissioner's Scoping Memo and Rulings (Phase 1) (Scoping Memo).

Ruling (Phase 1) (Scoping Memo), the assigned Commissioner divided the proceeding into two Phases. In Phase 1, the Commission examined and adopted Public Safety Power Shutoff² (PSPS) guidelines, focusing primarily on notification, communication and outreach, in advance of the 2019 wildfire season. The Scoping Memo presented a Staff Proposal on which parties provided feedback through a comment process. Phase 1 culminated in adoption of Decision (D).19-05-042 on May 31, 2019. The guidelines adopted in D.19-05-042, along with the guidelines previously adopted in Resolution ESRB-8, are the entirety of the guidelines that are in effect governing the electric IOUs' PSPS programs.

2. Phase 2 Issues

The purpose of Phase 2 is twofold: first, the Commission will examine issues that were outside the scope of Phase 1, and second, the Commission will revisit some of the issues in Phase 1 that require additional examination and development. The Phase 2 record will be developed through a combination of proposals by the IOUs, staff proposals, comments on proposals and workshops. As part of Phase 2, the Commission will direct the development of comprehensive PSPS guidelines drawing from those adopted in Resolution ESRB-8, D.19-05-042 and guidelines adopted in Phase 2. The Commission will continue to collaborate with CalOES and CAL FIRE in this proceeding.

² The Commission, in different venues, has referred to the proactive shutting off of power lines to reduce the risk of utility-equipment caused wildfires as both "de-energization" and "Public Safety Power Shutoff." In order to provide uniformity, and to comport with the public education campaigns currently underway that are a partnership between the electric investor-owned utilities, the California Governor's Office of Emergency Services (CalOES) and the California Department of Forestry and Fire Protection (CAL FIRE), the Commission will henceforth exclusively use the term Public Safety Power Shutoff (PSPS).

Phase 2 will be divided into two tracks. The Commission will address Track 1 issues on a more rapid timeline in order to inform PSPS events as soon as possible; however, both tracks will run concurrently. As the proceeding progresses, issues may be moved between tracks as necessary via written ruling by the assigned Administrative Law Judge (ALJ).

The issues to be determined in Phase 2, Track 1 are:

1. Definitions/Standard Nomenclature
 - a. Should the Commission adopt an updated definition of Critical Facilities to include the transportation sector, Department of Defense Facilities or other sectors?
 - b. Are there any differences among the IOU's medical baseline tariffs and medical baseline designations that should be updated to promote consistency across utilities for the PSPS programs?
 - c. What voltage level should be used to designate "distribution" versus "transmission" for PSPS events?
 - d. What nomenclature should the Commission adopt to describe the various periods of a PSPS event (i.e. the period during which the IOU has formed its emergency operations center but has not yet de-energized power lines, the period during which power is shut off, the re-energization period and the post-event time period)?
 - e. Are there any other terms that must be defined to ensure effective communication between utilities, Public Safety Partners, Critical Facilities and Critical Infrastructure and utility customers, e.g. "extreme wildfire conditions"?

2. Access and Functional Needs (AFN) Populations

- a. What efforts can result in more complete contact lists of AFN utility customers while still maintaining legal and privacy protections?
 - i. What policies or laws affect the sharing of information between the electric IOUs and state and local governments to facilitate the identification of AFN populations for public safety purposes? What, if any, changes should be considered, and which entity or entities has the authority to make such changes?
- b. Are different methods of notification needed before, during and after PSPS events depending on the needs of an individual AFN utility customer?

3. PSPS Strategy and Decision-Making

- a. What criteria should the Commission evaluate when assessing whether PSPS is being used as a measure of last resort?
- b. Would adopting standardized wildfire risk criteria (*e.g.* wind speeds, weather conditions, vegetation dryness conditions, etc.) across utilities promote the public safety, and if so, what criteria should be adopted?

4. Notification and Communication

- a. What information should be communicated during a PSPS event as well as when power lines are being re-energized, and when (at what intervals) should that information be communicated?
- b. Where Community Choice Aggregator (CCA) territories exist, what role should CCAs play in communicating about PSPS events?

- c. Are additional communication guidelines required in the event of a transmission-level PSPS beyond those adopted in Resolution ESRB-8 and D.19-05-042?

5. PSPS and Transmission Lines

- a. What coordination is required between the electric IOUs and public safety partners, the California Independent System Operator, the Federal Energy Regulatory Commission and others to ensure safe PSPS events, which require the shut-off of transmission lines?
 - i. In addition to those listed above, with whom must the electric IOUs coordinate to prepare for and notice transmission level PSPS events, e.g. adjacent affected jurisdictions, publicly owned utilities, etc., and how should such coordination occur?
- b. How should the Commission evaluate the impacts of transmission line PSPS versus distribution level PSPS, and what guidelines should be adopted to sufficiently prepare for and mitigate those impacts? For example, some facilities, such as airports and large industrial facilities, may be connected at the transmission level and may be impacted differently than in the case of distribution outages.

6. Lessons Learned

- a. Are there lessons learned from recent PSPS events (since adoption of D.19-05-042) that inform the topics under consideration in Track 1?

The issues to be considered in Phase 2, Track 2 are:

1. Lessons Learned

- a. Based upon recent PSPS events since adoption of D.19-05-042, what changes or updates to the guidelines adopted in that decision and

Resolution ESRB-8 should the Commission consider?

2. Notification and Communication

- a. What are the impacts on communication services during a PSPS event (when power is shut-off)?
- b. What communication parameters should the Commission require of the electric IOUs with all affected populations during a PSPS event when there may be a loss of critical communication infrastructure?
 - a. How should communications occur if there is a loss of critical communication infrastructure?
- c. What guidelines should the Commission adopt for notification and communication if local jurisdictions choose not to form an emergency operations center (EOC) during a PSPS event?³
- d. Should the Commission require standardized messaging across electric IOUs to avoid confusion and increase understanding by customers and public safety partners, and if so, how should the Commission go about adopting that standardized messaging?
- e. How should non-residents, such as tourists, who are in an area that will be affected by a PSPS event be notified and what is the role of the utility versus other public safety partners in identifying these populations and providing notice?
- f. Are additional notification and communication processes needed for PSPS events that affect customers outside of California's borders (e.g. Oregon, Nevada, Arizona, Mexico) or that may

³ PSPS events are not designed as proclaimed emergencies under current law. As such, it is possible that a local jurisdiction may not form an EOC during a PSPS event.

impact Federal (e.g. Yosemite National Park) or tribal lands?

- g. What strategies can be deployed to facilitate notice of PSPS events to speakers of non-English languages beyond those required in D.19-05-042?
- h. Are there any other guidelines the Commission should adopt in order to ensure effective notification and communication before, during and after a PSPS event?

3. Mitigation

- a. What services are needed during a PSPS event to mitigate risks to public safety, e.g. cooling centers, battery charging stations, access to drinking and bathing water?
 - i. Do the services needed during a PSPS event differ from the services needed during other types of electrical outages?
- b. Resolution ESRB-8 required that the IOUs help critical facilities evaluate preparedness for PSPS events, up to and including the provision of back-up generation. Who should bear the cost of back-up generation and should the Commission support the use of a specific back-up generation resource to mitigate environmental effects? Are existing Commission programs sufficient for these purposes?
- c. What mitigation measures should be considered for PSPS events that result in loss of power for more extended periods of time?
- e. Should the electric IOUs be required to consider claims for losses as a result of PSPS?
 - i. What is the relationship between homeowner insurance/renter's insurance policies and losses as a result of PSPS events?
- f. Should electric customers be billed for electric service during a PSPS event?

4. PSPS Strategy

- a. How can the Commission ensure that the utilities are taking proactive measures to reduce the need for PSPS in the future (*e.g.* grid hardening, vegetation management, resiliency zones,⁴ etc.)? Should this issue be addressed in this proceeding or within the context of R.18-10-003?
- b. Should PSPS be weighed as a strategy differently if an area lacks distribution or transmission redundancy or if an area is located at the end of a transmission line?

5. Re-Energization of Power Lines

- a. Consistent with the sharing of criteria required in D.19-05-042, should the IOUs be required to share the criteria used to determine when to re-energize power lines with Public Safety Partners?
 - i. If so, what information should be shared, at what level of detail and according to what timeline?
- b. Any other issues not covered under notification/communication that are necessary to ensure the safe re-energization of power lines after a PSPS event.

6. Requests to Delay PSPS Events?

- a. Should the electric IOUs delay PSPS events, if requested?
 - i. If so, what entities should be permitted to request delays?
 - ii. What criteria should the electric IOUs use to consider a request to delay?

⁴ See Pacific Gas and Electric Company's General Rate Case (Application 18-12-009) Testimony PG&E-4, Chapter 9, pages 9-38 through 9-39.

7. Education and Outreach

- a. The electric IOUs are currently engaging in a comprehensive PSPS and wildfire safety/preparedness campaign. How should the Commission evaluate the effectiveness of that campaign?
- b. Is additional education and outreach needed beyond that currently being undertaken by the electric IOUs and other state partners to educate the public on PSPS events, including what is entailed during a PSPS event, what tools are available to the public during these events, what to do in an emergency and how to receive information alerts during a power shutoff, and who the public should expect to hear from and when?

8. Evaluation of PSPS Events

- a. Should the Commission evaluate each PSPS event for reasonableness beyond the process adopted in Resolution ESRB-8 and D.19-05-042, and if so, what process should the Commission use to do so?
 - i. What criteria should the Commission adopt to evaluate reasonableness of PSPS events?

3. Track 1 Proposals/Comments and Workshops

The issues of Track 1 shall be considered through a proposal/comment process and workshops. Respondents are required, and other parties are encouraged, to submit comments and proposals on Phase 1 Track 1 issues according to the schedule below. Upon receipt of comments, the Commission's Safety and Enforcement Division (SED) will facilitate one or more workshops in order to further learning and discussion among Commission staff, our partner agencies, parties and the public. Likely workshop topics include:

(1) identification, notification and mitigation measures for AFN populations;
(2) PSPS strategy/ decision criteria/ use of PSPS as a measure of last resort; and
(3) deploying PSPS on transmission lines. The exact topics and dates of Track 1 workshops will be noticed via written ruling.

4. Track 2/Public Participation Hearings

We anticipate that Phase 2 Track 2 issues will require an in-depth analysis, including an evaluation of either staff or party proposals, workshops and comments. In addition, it will be valuable for the Commission to hear from affected members of the public regarding their experiences of PSPS events. As such, the assigned ALJ will issue a subsequent ruling setting forth the procedural mechanisms and schedule for Phase 2 Track 2 shortly following issuance of this Scoping Memo. Track 2 will run concurrently with Track 1.

5. Need for Evidentiary Hearing

The March 8, 2019 Scoping Memo determined that hearings would not be needed for Phase 1 but left open a determination of the need for hearings for Phase 2. Like Phase 1, Phase 2 will involve the development of overarching policies and will not evaluate utility specific PSPS programs. Therefore, evidentiary hearings will not be needed to resolve Phase 2. The preliminary determination that hearings are not needed remains unchanged.

6. Schedule

The following procedural schedule is adopted here and may be modified by the ALJ as required to promote the efficient and fair resolution of Phase 2 of R.18-12-005; This procedural schedule is preliminary and includes only the first procedural items in Phase 2 Track 1. As discussed in Section 4, above, the assigned ALJ will issue a ruling setting forth the Phase 2 Track 2 schedule shortly following issuance of this Scoping Memo.

Item	Date
Track 1 IOU and Party Proposals Filed and Served	September 17, 2019
Opening Comments on IOU Track 1 Proposals Filed and Served	October 3, 2019
Reply Comments on IOU Track 1 Proposals Filed and Served	October 16, 2019
Workshop # 1 Location: TBD	Late October 2019
Workshop # 2: Location: TBD	Early November 2019
Workshop # 3, if needed: Location: TBD	TBD
Proposed decision	First Quarter 2020
Commission decision	No sooner than 30 days after issuance of the proposed decision

7. Intervenor Compensation

In accordance with Pub. Util. Code § 1804 (a)(1), which states: “In cases ... where new issues emerge subsequent to the time set for filing, the commission may determine an appropriate procedure for accepting new ... notices of intent,” this Ruling allows any parties wishing to do so to file a new Notice of Intent to Claim Intervenor Compensation no later than 30 days from issuance of this Scoping Memo. New Notices of Intent so filed must comply with Pub. Util. Code §§ 1801-1812 and Rule 17.1 of the Commission’s Rules of Practice and Procedure.

8. Public Advisor

Any person interested in participating in this proceeding who is unfamiliar with the Commission’s procedures or has questions about the electronic filing procedures is encouraged to obtain more information at <http://consumers.cpuc.ca.gov/pao/> or contact the Commission’s Public Advisor at 1-866-849-8390 or 415-703-2074 or 1-866-836-7825 (TTY), or send an e-mail to public.advisor@cpuc.ca.gov.

9. Service of Documents on the ALJ

For Phase 2, the ALJ will accept electronic service; service of hard copies is not required.

IT IS RULED that:

1. The scope of Phase 2 of Rulemaking 18-12-005 is described above.
2. The preliminary Phase 2 Track 1 schedule of this proceeding is as set forth above. The assigned Administrative Law Judge will update the Track 1 procedural schedule via ruling.
3. The assigned Administrative Law Judge will issue the Phase 2 Track 2 schedule via written ruling following issuance of this Scoping Memo and Ruling.
4. Evidentiary hearings are not needed in Phase 2.
5. New Notices of Intent to Claim Intervenor Compensation may be filed no later than 30 days from issuance of this Scoping Memo. New Notices of Intent so filed must comply with Public Utilities Code §§ 1801-1812 and Rule 17.1 of the Commission's Rules of Practice and Procedure.
6. Hard copies of documents do not need to be served on the assigned Administrative Law Judge; electronic service will be accepted.

Dated August 14, 2019, at San Francisco, California.

/s/ MICHAEL PICKER

Michael Picker
Assigned Commissioner